

The Hon. Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC LENOROVITZ,

Defendant.

NO. CR24-028-RSL

**PRELIMINARY ORDER
OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for a Preliminary Order of Forfeiture (the "Motion") seeking to forfeit, to the United States, Defendant Eric Lenorovitz's interest in the following property that was seized from Defendant's residence in Kent, Washington, on or about January 13, 2023 (the "Subject Property"):

- a. A Blue Flash Drive, 1 TB;
- b. An iPad, serial number DFV34Q5TXH; and
- c. An iPhone 12 Pro Max, serial number F2LFQL0F0D42.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS that a Preliminary Order of Forfeiture is appropriate because:

- The Subject Property is forfeitable pursuant to 18 U.S.C. § 2253(a), as property that was used to commit or to facilitate Defendant’s commission of *Possession of Child Pornography*, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2); and,
- In his Plea Agreement, Defendant agreed to forfeit, pursuant to 18 U.S.C. § 2253(a), his right, title, and interest in all property, including the Subject Property, that he used to commit or facilitate the commission of *Possession of Child Pornography*, as well as any proceeds of this offense, to which Defendant pleaded guilty. Dkt. Nos. 11, 33 ¶ 13.

NOW, THEREFORE, THE COURT ORDERS:

- 1) Pursuant to 18 U.S.C. § 2253(a), and pursuant to his Plea Agreement, Defendant Lenorovitz’s interest in the Subject Property is fully and finally forfeited, in its entirety, to the United States;
- 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will be final as to Defendant at the time he is sentenced, it will be made part of the sentence, and it will be included in the judgment;
- 3) The United States Department of Justice, Department of Homeland Security (“HSI”), and/or their authorized agents or representatives, shall maintain the Subject Property in their custody and control until further order of this Court. The HSI shall destroy any prohibited images unless they have been destroyed already or will be retained for official, investigative use, as permitted by 21 U.S.C §§ 853(i) and 881(e);
- 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of the Subject Property as permitted by governing law. The notice shall be posted on an official government website – currently www.forfeiture.gov – for at least thirty (30) days. For

any person known to have alleged an interest in the property, the United States shall, to the extent possible, provide direct written notice to that person. The notice shall state that any person, other than the Defendant, who has or claims a legal interest in the property must file a petition with the Court within sixty (60) days of the first day of publication of the notice (which is thirty (30) days from the last day of publication), or within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice shall advise all interested persons that the petition:

- a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Property;
- b. shall be signed by the petitioner under penalty of perjury; and,
- c. shall set forth the nature and extent of the petitioner's right, title, or interest in the Subject Property, as well as any facts supporting the petitioner's claim and the specific relief sought.

5) If no third-party petition is filed within the allowable time period, the United States shall have clear title to the Subject Property, and this Preliminary Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

6) If a third-party petition is filed, upon a showing that discovery is necessary to resolve factual issues it presents, discovery may be conducted in accordance with the Federal Rules of Civil Procedure before any hearing on the petition is held. Following adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that adjudication; and,

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